Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). In the present case, there has been no showing of such motivation.

With respect to claims 1-9, the Office Action concedes that Kashi '604 fails to disclose a system in computer network communications. In regard to the rejection of claims 1-9 under 35 U.S.C. §103, the Examiner has stated in part that:

> Regarding claims 1-9, Kashi teaches (column 2, lines 1-61) a communication system comprising at least one central station and a number of remote units arranged for communication over a common channe3l, a channel monitoring circuit for sensing when the channel is free, a processor that identifies a priority parameter of a unit currently transmitting and performs a comparison of that parameter and the predetermined parameter to initiate a timing function in response to the channel monitoring circuit.

(7/31/01 Office Action, p. 2).

Thus, at best Kashi '604 provides a scheme for communicating over a common communication channel between a central station and a number of remote units.

In contrast, claim 1 provides a common communication channel having designated transmission time slots for various devices of a computer network transmissions within the channel outside of a device's designated time slot through the use of a clear channel assessment time. Kashi '604 does not teach

or suggest "computer network transmissions within the channel outside of a device's designated time slot through the use of a clear channel assessment time" as disclosed in applicants' claim 1. Kashi '604 communication system does not teach or suggest computer network transmissions. Nor does Kashi '604 teach or suggest a clear channel assessment time. Therefore, independent claim 1 is patentable over Kashi '604 under 35 U.S.C. §103(a). Because independent claim 1 is allowable and claims 2-5 depend from claim 1, applicants respectfully submit that claims 2-5 are not obvious under 35 U.S.C. §103(a) in view of Kashi '604.

The Examiner also rejected claim 6 under 35 U.S.C. §103 for the reasons set forth in the rejection of claim 1. Claim 6 discloses a method, comprising maintaining a clear channel assessment that takes into account a first device's designated transmission time slot within a communication channel with respect to those of other network devices in order to determine idle times that exist after completion of regularly scheduled transmissions within the communication channel. Because Kashi '604 does not teach or suggest maintaining a clear channel assessment or network devices as taught by applicants and given that claims 7-9 depend from claim 6, applicants respectfully submit that claims 6-9 are not obvious under 35 U.S.C. §103(a) in view of Kashi '604.

With respect to claims 10-18, the Office Action concedes that Kashi '604 fails to disclose a system in computer network communications. In regard to the rejection of claims 10-18 under 35 U.S.C. §103, the Examiner has stated in part that:

> Regarding claims 10-18, Kashi teaches (column 1, lines 1-61) a remote unit having a predetermined priority parameter, comprising a processor element, a receiver coupled to the processor element for receiving signals from the channel and providing received data to the processor element, identifying from the received data a priority parameter for a second remote unit performing a comparison of the priority parameter and the predetermined priority parameter of the first remote unit, a channel monitoring circuit for sensing when the channels is free, and initiating a timer function in response to the channel monitoring circuit when the channel monitoring circuit indicates that the channel is free.

(7/31/01 Office Action, p. 2-3).

Thus, at best Kashi '604 provides a scheme whereby a remote unit determines if a channel is free and initiates a timer function if the channel is free. In contrast, claim 10 discloses a network client comprising a clear channel assessment indicator and configured to transmit within a communication channel of a computer network at a time determined in part by a notification from the clear channel assessment indicator and in part by transmission characteristics of other devices transmitting within the channel. Kashi '604 does not teach or suggest a clear channel assessment indicator as disclosed in applicants' claim 10. Kashi '604 does not teach or suggest a network client. Nor does Kashi '604 teach or suggest a computer network. Therefore, independent claim 10 is patentable over Kashi '604 under 35 U.S.C. §103(a). Because independent claim 10 is allowable and claims 11 and 12 depend from independent claim 10, applicants respectfully submit that dependent claims 11 and 12 are not obvious under 35 U.S.C. §103(a) in view of Kashi '604.

The Examiner also rejected claim 13 under 35 U.S.C. §103 for the reasons set forth in the rejection of claim 10. Claim 13 discloses a method, comprising negotiating a transmission time in a time division multiplexed communication channel independent of a need to transmit asynchronous data within idle times of a transmission frame period. Because Kashi '604 does not teach or suggest negotiating a transmission time in a time division multiplexed communication channel independent of a need to transmit asynchronous data within idle times of a transmission frame period as taught by applicants' and given that claims 14-15 depend from claim 13, applicants respectfully submit that claims 13-15 are not obvious under 35 U.S.C. §103(a) in view of Kashi '604.

The Examiner also rejected claim 16 under 35 U.S.C. §103 for the reasons set forth in the rejection of claim 10. In addition, the Examiner stated in part that:

> Regarding claims 16-18, the examiner understands "permitting asynchronous communications within otherwise idle times within the frame" to mean allowing access to a time slot when it is free, which is why these claims are rejected along with the claims referring to channel access.

(7/31/01 Office Action, p. 2-3).

Claim 16 is not limited to allowing access to a time slot when it is free. Claim 16 discloses a method, comprising accommodating asynchronous data transmissions within a synchronized network in which inter-node communications are organized into frames of time periods by permitting such asynchronous communications within otherwise idle times within the frames. Because Kashi '604 does not teach or suggest accommodating asynchronous

data transmissions within a synchronized network or permitting asynchronous communications within otherwise idle times within the frames as taught by applicants, and given that claims 17-18 depend from claim 16, applicants respectfully submit that claims 16-18 are not obvious under 35 U.S.C. §103(a) in view of Kashi '604.

Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. §103(a) have been overcome by the remarks and withdrawal of these rejections is respectfully requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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